

REMARKS/ARGUMENTS

The Office Action mailed February 25, 2003 has been reviewed and carefully considered. Claims 1-18 are pending in this application, with claims 1 and 9 being the only independent claims. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

In the Office Action mailed February 25, 2003, claims 1, 6-9, 13, and 15-17 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,991,749 (Morrill).

Claims 10-11 stand rejected under 35 U.S.C. §103 as unpatentable over Morrill.

Claim 12 stands rejected under 35 U.S.C. §103 as unpatentable over Morrill in view of U.S. Patent No. 5,790,936 (Dinkins).

Claim 18 stands rejected under 35 U.S.C. §103 as unpatentable over Morrill in view of U.S. Patent No. 6,198,915 (McGregor).

Claims 2-5 and 14 were found to contain allowable subject matter.

The present invention relates to a method and apparatus for using a wireless terminal device to provide payment to an automated apparatus (i.e., a vending machine) which provides a product or service to the user. The product or service is automatically provided from the automated apparatus to users of a telecommunication system in response to an electronic transfer of funds initiated by the wireless terminal device of the user connected to the telecommunication system.

With reference to the only Figure of the application, the system according to the present invention includes a telecommunication network 6 with an intelligent network 7, a first terminal device 1, and an automated apparatus 3. A second terminal device 4 and a control unit 5 connected to the second terminal device are disposed in the automated apparatus 3. The first and

second terminal devices are connected to the telecommunication network by first and second telecommunication connections. The inventive process is initiated by the user using the first terminal device 1 to call a subscriber number associated with the service to be provided by the automated apparatus 3 (see page 10, lines 15-18). The call is directed by the intelligent network 7 to the second terminal device 4 in the automated apparatus 3 (page 10, lines 18-20). The intelligent network processes the charging of the call (page 11, lines 4-7), and the service is then provided by the service apparatus.

Independent claims 1 and 9 each expressly recite "a telecommunication network comprising an intelligent network including a control center having means for handling one of short messages and data calls". Independent claims 1 and 9 also expressly recite that the user initiates the process by calling a subscriber number associated with the service to be provided. In addition, each of independent claims 1 and 9 expressly recite that the intelligent network determines the charge data associated with the call.

Morrill fails to disclose (1) use of an intelligent network, (2) that the provision of a service by an automated apparatus is initiated by the user calling a subscriber number associated with the service, and (3) that the intelligent network determines the charge associated with the call made to the subscriber number.

Regarding the first above-listed omission in the teachings of Morrill, applicant's communication filed on December 16, 2003, in response to the Office Action of September 11, 2002, pointed out that the term "intelligent network" is explicitly defined in the specification of the present application by reference to ITU-T recommendation Q121x and Bellcore AIN recommendations. In response, the Examiner stated that the definition of the intelligent network which was set forth in the references is not recited in the claims. The Examiner also correctly

pointed out the general rule that limitations from the specification are not to be read into the claims. However, when interpreting claim language, Examiners are required to give words recited in the claims their plain meaning, wherein "plain meaning" refers to the meaning given to the term by those skilled in the art (see MPEP 2111.01 and cases cited therein). The definition of intelligent networks included in the references referred to in the specification defines the term intelligent networks *as it is known to those skilled in the art of communication networks*. In any event, the plain meaning of the term "intelligent network" to those skilled in the art of communication networks is a service-independent network that includes a distribution of computer nodes throughout a communication network, separate from the switches in the network (see Intelligent Network Tutorial from <http://www.iec.org>, printed December 6, 2002, a copy of which was previously filed as an attachment in applicant's communication filed on December 16, 2002).

Morrill discloses the use of a wireless communication device to conduct transactions and activities. As stated in the summary of the invention in the Morrill patent (col. 1, lines 32-34), the function of a central processing unit (CPU) of the service provider is expanded to include account and authorization information. Morrill does not show the CPU in a drawing. However, col. 2, lines 29-31 of Morrill states that the CPU is connected to the user's mobile phone via the mobile telephone service provider's antenna and a land line. The connection of a CPU to a mobile network does not represent or denote the disclosure of an intelligent network, which requires a service-independent network including a distribution of computer nodes throughout a communication network, separate from the switches in the network. Thus, Morrill fails to disclose the use of an intelligent network, as expressly recited in independent claims 1 and 9.

With respect to the second omission in the Morrill reference, Morrill fails to disclose that the procedure for transferring funds is initiated by the dialing of a subscriber number associated with the procedure. The presently claimed invention expressly requires that the user place a call to a subscriber number to invoke the service procedure. The intelligent network then determines that the call should be routed to the terminal of the automated apparatus. In contrast, Morrill teaches that the user must dial a unique function code which is not a subscriber number (see e.g., col. 2, lines 35-37, col. 7, lines 8-12). Here too, therefore, Morrill fails to disclose initiating the service procedure by dialing a subscriber number associated with the service, as expressly recited in independent claims 1 and 9.

With respect to the third omission, Morrill fails to teach or suggest determining, by the intelligent network, the charge for the call made to the subscriber number associated with the service to be performed. The presently claimed invention expressly recites that a call is made to a subscriber number and that the intelligent network determines the charge for the call. The present invention relies on the intelligent network to determine if a call is a normal voice call or, alternatively, the call is associated with a service procedure and therefore falls under a different charge than the normal voice calls. The Examiner states that col. 4, lines 39-67 and col. 5, lines 1-21 disclose the limitation which requires that the charge for the call is determined. However, Morrill merely determines the amount required to be transferred for the financial transaction based on the user-input unique function code. As pointed-out above, Morrill discloses that the service procedures are associated with special function codes that must be programmed into the CPU of the mobile subscriber. Morrill does not specifically state what occurs if a normal voice call is made or dialed. Therefore, Morrill only discloses determining the charge when the special function code is input and does not disclose determining the charge when a call to a subscriber

number for a service is made. Morrill fails to disclose determining, by an intelligent network, the charge for a call to a subscriber number associated with a service to be performed, as expressly recited in independent claims 1 and 9.

In view of the above remarks, it is respectfully submitted that independent claims 1 and 9 are neither anticipated by nor unpatentable over Morrill. Dependent claims 2-8 and 10-18, being dependent on independent claims 1 and 9, are allowable for at least the same reasons as independent claims 1 and 9.

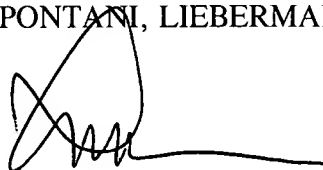
The application is deemed to be in condition for allowance, and notice to that effect is once more solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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